

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEDAMERICA, INC.,) Case No. 07-02292 JCS
Plaintiff,) STIPULATION RE-SETTING CASE
v.) MANAGEMENT CONFERENCE DATE
TOTAL MED AMERICA, LLC.,) AND RELATED PRE-CONFERENCE
Defendant.) FILING DEADLINES; AND
[PROPOSED] ORDER THEREON

1. There is currently a Case Management Conference scheduled in this action to be held on August 3, 2007 at 1:30 p.m. For the reasons set forth below the parties stipulate to a postponement of the Case Management Conference until September 14, 2007, at 1:30 p.m. The parties also stipulate to re-schedule the date for the filing of both the Case Management Conference Statement and the Rule 26(f) Report to September 7, 2007.

2. The Complaint in this action was filed on April 27, 2007 and asserts claims for service mark, trademark and trade name infringement; false designation of origin; dilution and unauthorized use of service mark; trade name infringement; and

1 unfair competition. After an exchange of communication between
2 counsel representing the parties, it was agreed that service of
3 the Summons and Complaint on the Defendant, a New York limited
4 liability corporation, would be made by sending a Waiver of
5 Service of Summons form to the defendant. This method of
6 service allowed the defendant up to sixty (60) days to file a
7 response. Therefore, the Defendant did not file its Answer
8 until July 2, 2007.

9 3. This action was assigned to Magistrate Judge Joseph C.
10 Spero. Due to the extended period of time before service of the
11 Complaint was achieved and a responsive pleading was due, the
12 Plaintiff did not file its Consent to Proceed Before A United
13 States Magistrate until June 12, 2007, and the Defendant did not
14 file its Consent form until July 17, 2007. Therefore, it was
15 not until July 17, 2007 that the parties knew that this case
16 would proceed before Magistrate Spero. This timeline made the
17 dates set forth in the April 27, 2007 Order Setting Initial Case
18 Management Conference and ADR Deadlines unworkable from a
19 practical standpoint for the parties.

20 4. Finally, the Defendant intends to have attorneys
21 Jonathan D. Jay and Terrance C. Newby of the Minneapolis,
22 Minnesota law firm of Leffert, Jay & Polglaze, P.A. seek
23 admission *pro hac vice* to be lead counsel in this case.
24 Additional time is needed prior to a Case Management Conference
25 for new counsel to be admitted so that they can participate
26 representing the Defendant.


27 5. Therefore, the parties, by their counsel, stipulate to
28 the following revised case management schedule:

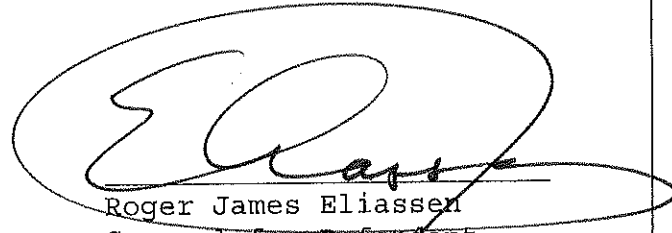
1 September 7, 2007 Last day to file Rule 26(f) Report,
2 complete initial disclosures or state objection in Rule 26(f)
3 Report and file Case Management Statement.

4 September 14, 2007 Initial Case Management Conference in
5 Ctrm A, 15th Floor, San Francisco at 1:30 p.m.

6 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

7
8 DATED: July 23, 2007

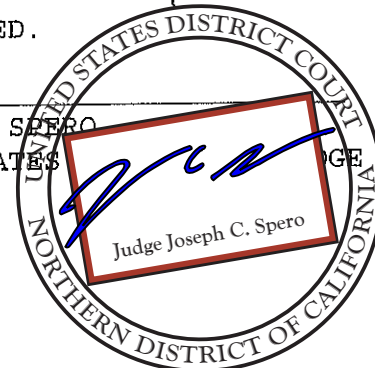
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10 
11 Darl R. Danford
12 Counsel for Plaintiff


Roger James Eliassen
Counsel for Defendant

13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14 DATED: July 25, 2007

15 JOSEPH C. SPERO
16 UNITED STATES



CIRCUIT, MCKELLOGG, KINNEY & ROSS LLP